

REMARKS

Claims 1-6 are pending in the application, with Claims 1 and 4 as independent claims. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,990,333 B2 to Andrew et al.

It is respectfully noted that the Examiner relies on Andrew et al. to reject all of the claims. The earliest date that can be relied upon with respect to Andrew et al. is November 27, 2002, the Application filing date. Submitted herewith is a new Affidavit under 37 C.F.R. §1.131, which includes an invention disclosure and an English translation thereof, in which redactions have been removed to provide information establishing reduction to practice of the invention described in the present application prior to November 27, 2002 coupled with diligence from before November 27, 2002 until February 6, 2003, the filing date of Korean Patent Application No. 7493-2003 to which the present Application claims priority.

In response to the previous Office Action, the Examiner responded by stating that the evidence submitted is insufficient to establish a reduction to practice of the invention, prior to the effective date of Andrew et al., which is November 27, 2002. More specifically, the Examiner has stated that the evidence submitted is insufficient to establish conception of the invention prior to the effective date of Andrew et al. (Office Action, pages 2-3).

However, establishing conception requires demonstrating that “the invention was made sufficiently clear to enable one skilled in the art to reduce it to practice without the exercise of excessive experimentation or the exercise of inventive skill.” (Hiatt v. Ziegler, 179 U.S.P.Q. 757, 763 (Bd. Pat Inter. 1973)). At the very least, pages 4-5 of the English Translation of the Invention Disclosure Document (Exhibit B in the Rule 1.131

Declaration), which was completed at least before October 11, 2002, provides a detailed description of the present invention that would enable one skilled in the art to reduce the invention to practice without excessive experimentation or excessive skill. Therefore, conception of the invention prior to the effective date of Andrew et al. has been established.

The Examiner has further stated that the evidence submitted is insufficient to establish diligence from a date prior to the effective date of the Andrew et al. to either a constructive reduction to practice or an actual reduction to practice. (Office Action, page 3). The enclosed Information Disclosure Document, as referenced in the new Rule 1.131 Declaration, provides dates of steps taken to prepare Korean Patent Application No. 7493-2003, to which the present Application claims priority, for filing. These steps establish diligence from before November 27, 2002, the effective date of Andrew et al., until February 6, 2003, the filing date of Korean Patent Application No. 7493-2003 and the date of constructive reduction to practice.

Therefore, the documents submitted establish conception prior the reference date Andrew et al. coupled with diligence from prior to the effective date of Andrew et al. until reduction to practice. Based on at least the foregoing, withdrawal of Andrew et al. as a reference and withdrawal of any and all rejections based thereon is respectfully requested.

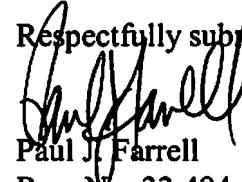
Further, regarding the rejection of independent Claims 1 and 4, the Examiner states that Andrew et al. discloses, “registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling group (col. 4, lines 24-48).” (Office Action, page 3).

However, Andrew et al. states, “The user is able select [sic] from a list of possible timed profiles for the mobile device from the ‘Timed Profiles’ menu.” (Andrew et al., column 4, lines 29-30). Although Andrew et al. discloses selection of a timed profile from among pre-existing timed profiles, Andrew et al. does not teach, disclose, or suggest that a user can select a set of menu options to create and register a new timed profile that does not already exist in the mobile terminal, which allows a user to select a customized time profile that did not pre-exist in the mobile terminal. Therefore, Andrew et al. does not teach, disclose, or suggest “registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling group.” Therefore, Claims 1 and 4 of the present invention are patentable over Andrew et al. Accordingly, withdrawal of the rejection of Claims 1 and 4 is respectfully requested.

Claims 2-3 and 5-6 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 1 and 4.

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Accordingly, all of the claims pending in the Application, namely, Claims 1-6 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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